

Frederick Banks, an American Indian
Petitioner/Plaintiff
v.

RECEIVED
U.S. DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

1:12-CV-496

2012 MAR -9 AM 9:44

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FILED
HARRISBURG, PA

MAR 20 2012

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Cameron Moody; Director, Office of Management
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Catherine M. Lelyveld; Intl Boundary and
Water Commission; Intl Information Programs;
Intl. Narcotics and Law Enforcement Affairs;
Intl. Organization Affairs; Population, Refugees,
and Migration; Department of the Treasury, Alcohol
and Tobacco Tax and Trade Bureau; Bureau of
Engraving and Printing; Bureau of the Public Debt;
Financial Crimes Enforcement Network; Financial
Management Service; Internal Revenue Service;
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Natl. Geospatial Intelligence Agency; Natl.
Security Agency/Central Security Service; Department
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and Explosives; Bureau of Prisons; Drug Enforcement
Admini Executive Office for Immigration Review;
Federal Bureau of Investigation; Natl. Central
Bureau of Interpol; U.S. Marshall Service; U.S.
Parole Commission; Bureau of Indian Affairs;
Bureau of Land Management; Bureau of Ocean
Energy Management; Bureau of Reclamation;
National Park Service; Fish and Wildlife Service;
Department of Agriculture; Agricultural Research
Service; Economic Research Service; Food and Nutrition
Service; Food Safety and Inspection Service; Foreign
Agricultural Service; Forest Service; Natl Agricultural

Conservation Service; Department of Commerce;
 Bureau of the Census; Bureau of Economic Analysis;
 Minority Business Development Agency; National
 Institute of Standards and Technology; National
 Oceanic and Atmospheric Admin; National Technical
 Information Service; National Telecommunications and
 Information Admin; Department of Labor; Bureau of
 Labor Statistics; Job Corps; Mine Safety and Health
 Admin; Office of Federal Contract Compliance Programs;
 Office of Labor-Management Standards; Office of
 Workers Compensation Programs; Department of Health
 and Human Services; Agency for Healthcare Research
 and Quality; Centers for Disease Control and Prevention;
 Centers for Medicare and Medicaid Services; Food and
 Drug Admin; Health Resources and Services Admin;
 National Institutes of Health; Surgeon General; Department
 of Housing and Urban Development; Fannie Mae;
 Federal Housing Administration; Freddie Mac; Ginnie
 Mae; Department of Transportation; Federal Aviation Admin;
 Federal Highway Admin; Federal Transit Admin; Federal
 Railroad Admin; Maritime Admin; National Highway
 Traffic Safety Admin; Research and Innovative Technology
 Admin; Department of Energy; Energy Information Admin;
 Federal Energy Regulatory Commission; National Nuclear
 Security Admin; Office of Scientific and Technical
 Information; Department of Education; Department of
 Veterans Affairs; Department of Homeland Security; Federal
 Emergency Management Agency; Immigration and
 Customs Enforcement; Transportation Security Admin;
 African Development Foundation; AMTRAK; Broadcasting
 Board of Governors; Central Intelligence Agency;
 Commission on Civil Rights; Commodity Futures
 Trading Commission; Consumer Product Safety Commission;
 Corporation for National and Community Service;
 Court Services and Offender Supervision Agency for the
 District of Columbia; Defense Nuclear Facilities Safety
 Board; Election Assistance Commission; Environmental
 Protection Agency; Equal Employment Opportunity Commission;
 Export-Import Bank of the United States; Farm Credit
 Administration; Federal Communications Commission; Federal
 Deposit Insurance Corporation; Federal Election Commission;
 Federal Housing Finance Agency; Federal Labor Relations
 Authority; Federal Maritime Commission; Federal Mediation
 and Conciliation Service; Federal Mine Safety and Health
 Review Commission; Federal Reserve System; Federal
 Retirement Thrift Investment Board; Federal Trade
 Commission; General Services Administration; Institute of
 Museums and Library Services; Inter-American Foundation;
 Merit Systems Protection Board; National Aeronautics
 and Space Administration;

Jury Trial Demand

National Archives and Records Administration,
 National Capital Planning Commission, National
 Council on Disability, National Credit Union
 Admin, National Endowment for the Arts,
 National Endowment for the Humanities, National
 Indian Gaming Commission, National Labor
 Relations Board, National Mediation Board,
 National Science Foundation, National Transportation
 Safety Board, Nuclear Regulatory Commission, Nuclear
 Waste Technical Review Board, Occupational Safety
 and Health Review Commission, Office of Government
 Ethics, Office of Personnel Management, Office
 of Special Counsel, Overseas Private Investment
 Corporation, Peace Corps, Pension Benefit
 Guaranty Corporation, Postal Regulatory
 Commission, Railroad Retirement Board, Securities
 and Exchange Commission, Selective Service System,
 Small Business Administration, Social Security
 Administration, Tennessee Valley Authority, US
 Agency for International Development, US
 International Trade Commission, US Postal
 Service, US Trade and Development Agency.
 Jeff Sessions, Richard Shelby, Mark Begich,
 Joe Miller, Jon Kyl, John McCain, Mark Pryor,
 John Boozman, Dianne Feinstein, Barbara
 Boxer, Mark Udall, Michael F. Bennett,
 Joseph Lieberman, Richard Blumenthal,
 Thomas R. Carper, Christopher Coons, Bill
 Nelson, Marco Rubio, Saxby Chambliss,
 Johnny Isakson, Daniel K. Akaka, Daniel
 K. Inouye, Jim Risch, Mike Crapo, John
 ENSIGN, Harry Reid, Jeanne Shaheen, Kelly
 Ayotte, Robert Menendez, Frank Lautenberg,
 Jeff Bingaman, Tom Udall, Kirsten E.
 Gillibrand, Charles E. Schumer, Kay Hagan,
 Richard Burr, Kent Conrad, John Hoeven,
 Sherrod Brown, Rob Portman, James M. Inhofe,
 Tom Coburn, Jeff Merkley, Ron Wyden,
 Bob Casey Jr., Pat Toomey, Sheldon Whitehouse,
 John F. Roed, Lindsey Graham, Jim DeMint,
 Tim Johnson, John Thune, Bob Corker, Lamar
 Alexander, Kay Bailey Hutchison, John Cornyn,
 Orrin G. Hatch, Mike Lee, Bernard Sanders,
 Patrick Leahy, Janel H. Webb, Mark Warner,
 Maria Cantwell, Patty Murray, Joe Manchin,
 John D. Rockefeller, Herb Kohl, Ron Johnson,
 John Burrasso, Michael B. Enzi, Rick Crawford,
 Tim Griffin, Steve Womack, Mike Roll,

Robert A. Brady, Chaker Tattah,
 Mike Kelly, Jason Altmine, Glenn
 Thompson, Jim Gerlach, Patrick Meehan,
 Michael G. Fitzpatrick, Bill Shuster, Thomas
 A. Marino, Lou Burletta, Mark Critz, Allyson
 Schwartz, Mike Boyle, Charles Bent, Joseph
 Pitts, Tim Holden, Tim Murphy, Todd Platts,
 Robert Bentley, Sean Parnell, Jan Brewer,
 Mike Boese, Jerry Brown, John Hickenlooper,
 Dan Malloy, Jack A. Markell, Rick Scott, Nathan
 Deal, Neil Abercrombie, C.L. Coker, Pat Quinn,
 Mitch E. Daniels Jr., Terry Branstad, Sam Brownback,
 Steven L. Beshear, Bobby Jindal, Paul LePage,
 Martin O'Malley, Deval Patrick, Rick Snyder,
 Mark Dayton, Haley Burbour, Jay Nixon, Brian
 Schweitzer, David Heineman, Brian Sandoval, John H.
 Lynch, Chris Christie, Susana Martinez, Andrew
 Cuomo, Beverly Purdue, John Hoeven, John Kasich,
 Mary Fallin, Chris Dudley, Tom Corbett, Lincoln
 Chafee, Nikki Haley, Dennis Daughard, Bill
 Haslam, Rick Perry, Gary R. Herbert, Peter
 Shumlin, Bob McDonnell, Christine Gregoire,
 Joe Manchin III, Scott Walker, Matt Mead,
 Luis Fortuño, H&P, Abbott Laboratories,
 Advance Publications, Aetna, Aflac, Alaska Air
 Group, Alberto Culver Co, Alcatel-Lucent, Alcoa,
 Allegany Technologies, Allstate Corp, Allura Group,
 Amazon.com, American Electric Power Co., American
 Express Co, American Greetings Corp, American Intl
 Group, American Standard Brands, Amze Corp,
 Amherster-Busch In-Bow, Apple Inc, iTRAMPARK,
 Arcelor Mittal USA, Archer Daniels Midland Co,
 Armstrong World Industries Inc, Bartelsman AG,
 Best Buy Co, Inc, Blackstone Group LP, Blockbuster,
 Boeing Co, The Brink's Co, Bristol-Myers Squibb Co,
 Brown-Forman Corp, Brown Shoe Co, Brunswick Corp,
 Burger King Holdings Inc, Cablevision Systems Corp,
 Campbell Soup Co, Caterpillar Inc, CBS Corp, Chevron
 Corp, Chiquita Brands International Inc, Church &
 Dwight Co, CIGNA, Cintas, Cisco Systems, Citigroup,
 Clear Channel Communications, Clorox, Coca-Cola,
 Colgate-Palmolive Co, Collective Brands Inc, Comcast
 Corp, Compug, Systemmax, Computer Sciences Corp,
 ConAgra Food, ConocoPhillips, Consolidated Edison,
 Continental Airlines, Corning Inc, Costco Wholesale,
 Bank of America, Crane Co, A.T. Cross Co,
 Crown Holdings, CSX Corp, CVS Caremark, Dana
 Holding Corp, Garden Restaurants, Dean Foods, Deere & Co,

Belphi Corp; Belta Airlines; Blue Corp
Diebold Inc; Dillards Inc; Walt Disney Co;
Doctors Associates Inc; Dole Food Co Inc;
R. R. Donnelley & Sons Co; Dow Chemical
Co.; Dow Jones & Co; Dr. Pepper Snapple Group;
Duke Energy; Dun & Bradstreet; E.I. du Pont de
Nemours & Co; Eastman Kodak Co; Eaton Corp;
eBay Inc; Edison Intl; Electronic Arts; Hewlett
Packard Co; Eli Lilly and Co; El Paso Corp; EMC Corp
EMC Corp; Emerson Electric Co; Energizer Holdings
Inc; Eske Lander Cos Inc; Exelon Corp; Exxon
Mobil Corp; Federal Home Loan Mortgage Corp;
Federal National Mortgage Association; FedEx Corp;
First Data Corp; First Energy Corp; Fleetwood
Enterprises; Fluor Corp; Foot Locker; Ford Motor;
Fortune Brands; Gurnett Co; Gap; Gateway;
General Dynamics; General Electric; General Mills;
General Motors; Genuine Parts Co; Goldman Sachs
Group; Goodyear Tire & Rubber Co; Google;
W.R. Grace & Co; Great Atlantic & Pacific Tea Co;
Halliburton Co; Hanesbrand Inc; Harley-Davidson;
Harrichand Fintech Insurance; Hartford Financial
Services Group; Halbro; HCA; Health Net;
Herthery; Hecla; Helix; Helmer; Hell; Hillenbrand;
Hilt-Rom Holdings; Hilton Worldwide; Home Depot;
Home Depot; Home Depot; Home Depot;
Illinois Tool Works; Intel Corp; International
Business Machines Corp; International Paper Co;
International Textile Group; Intercontinental
Banking; J.C. Penney; J. Crew Group; Johnson & Johnson;
Johnson Controls; Johnson Controls;
Johannsson Int'l; Johnson & Johnson; Johnson & Johnson;
Kaiser Aluminum; Kellogg Co; Kelly Bros; Kimberly-Clark;
Kimberly; Koch Industries; Kraft Foods; Kruger; Lane
Bryant; Lehigh Valley; Lehman Bros Holdings; Levi
Strauss Co; Lockheed Martin; Lockheed Martin;
Lockheed Martin; Lockheed Martin; Lockheed Martin;
Lockheed Martin; Lockheed Martin; Lockheed Martin;
Lockheed Martin; Lockheed Martin; Lockheed Martin;
Lockheed Martin; Lockheed Martin; Lockheed Martin;
Lockheed Martin; Lockheed Martin; Lockheed Martin;

Correctional officer; Counselor Hull; TC. outlaw, warden;
Dr. Cuello, psychiatrist; Federal Bureau of prisons; Regional
Director Muldernaldo; Bop Director Charles J. Jannet;
Respondents/defendants

Plaintiff/petitioner Frederick Banks, an American Indian ("Banks") files the foregoing Complaint and Mandamus petition and represents as follows;

1. On or about 3/2/12 CO T. Hutchinson at FCC Forrest City (low) approach Banks to do a "Terry Pat" down search while he was exiting the food service department.
2. Hutchinson said "they guy" (this has been typical conduct at this prison. Inmates have name tags on their coats and as such there is no reason not to address an Inmate by name)
3. Hutchinson patted down Banks' pockets and person. Never did she indicate any feeling of any weapon yet she still ordered Banks to empty his pockets. Banks did not give consent for the search. Banks did not give consent to empty his pockets. when Hutchinson found nothing she chastized Banks. Hutchinson violated the Fourth Amendment by ordering Banks to empty his pockets without his consent and continuing the search before and after the search because there was no probable cause for the search before or after the pockets were emptied. As such Banks is entitled to damages pursuant to US Const. Amend IV in the amount of \$50,000.00. Additionally since Hutchinson executed the search without probable cause she acted arbitrarily and capriciously in violation of 28 CFR and The Administrative Procedures Act and damages against the BOP is appropriate in an amount exceeding \$1,000.
4. During February and March of 2012 Dr. Cuello at FCC Forrest City by video Conference/Teleconference purposely, intentionally and willfully falsified a psychiatric evaluation and as a result proscribed with intent to damage Banks a psychotropic medication called Risperdone. As a result of Banks being proscribed this medication he passed out and banged his head on the concrete bathroom floor in Unit HB at FCC Forrest City. Inmate Reed witnessed the entire incident. Banks was never given any treatment for his head injury. Cuello should be indicted and arrested pursuant to the Treaty of Ft. Laramie, 15 Stat 635 (1868) and damages should be paid to Banks by both Cuello personally and the United States pursuant to 15 Stat 635 and the 8th Amendment in the amount of \$1,000,000.00. Cuello is a "bad man" 7 of 8 under the Treaty who harmed and injured Banks an American Indian.

5. Counselor Hull, Regional Director Maldonado, Warden T.C. outlaw and the other defendants personally participated in obstructing the administrative remedy process in companion litigation and the instant litigation. These defendants failed to delivery to Banks and process administrative remedies he filed on these issues, attempting to get his psychiatric medical records (Bp8), a Bp10 reply concerning a Co Yelling in his ear and other Bp8's including remedies against Culclio for her blatant disregard for the law and falsification of Agency Records. As a result not only has Banks exhausted all available remedies for this and other actions he is damaged in this action for defendant's conduct. All in violation of the Fifth, First Amendments. Damages are appropriate exceeding \$25,000.00 along with mandamus relief ordering defendants to immediately deliver up the remedies.

6. All other defendants should be ordered to investigate the issues herein.
7. Banks has an indisputable right to relief.

Wherefore damages should be awarded in the amount of \$2,000,000.00 along with punitive damages for plaintiff and against defendants along with all other requested and unrequested relief including costs, interest and fees, a hearing should be held, and a Jury Trial.
Executed this 2nd day of March, 2012 under the penalty for perjury. 28 USC 1746.

Respectfully Submitted,



Frederick Banks

#05711-068

Po Box 9000

Forrest City, AR 72336

PLAINTIFF

Special Unit

Fredrick Banks
05711-068
Federal Correctional Complex
PO Box 9000
Forest City, AR
72336

⇒ 05711-068 ⇒
Mary DAndrea
Clerk US Dist Court
PO Box 983
Harrisburg, PA 17108-0983
United States

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